

# **Title 31**

## **Family Law and Juvenile Law**

## **TITLE 31. FAMILY LAW AND JUVENILE LAW**

### **IC 31-1 Repealed**

*(Repealed by P.L.1-1997, SEC.157.)*

### **IC 31-6 Repealed**

*(Repealed by P.L.1-1997, SEC.157.)*

### **IC 31-7 Repealed**

*(Repealed by P.L.1-1997, SEC.157.)*

## **ARTICLE 11. FAMILY LAW: MARRIAGE**

### **IC 31-11-1**

#### **Chapter 1. Who May Marry**

### **IC 31-11-1-6**

Sec. 6. (a) Two (2) individuals may marry each other if:

(1) the individuals are not prohibited from marrying for a reason set forth in this article; and  
(2) a circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license.

(b) A court may not authorize the clerk of the circuit court to issue a marriage license under subsection (a) unless:

(1) the individuals have filed with the court a verified petition that includes allegations that:

(A) the female is at least fifteen (15) years of age;

(B) the female is pregnant or is a mother;

(C) each of the individuals who is less than eighteen (18) years of age has received the consent required by IC 31-11-2;

(D) the male is at least fifteen (15) years of age and is either:

(i) the putative father of the expected child of the female; or

(ii) the father of the female's child; and

(E) the individuals desire to marry each other;

(2) the court has provided notice of the hearing required by this section to both parents of both petitioners or, if applicable to either petitioner:

(A) to the legally appointed guardian or custodian of a petitioner; or

(B) to one (1) parent of a petitioner if the other parent:

(i) is deceased;

(ii) has abandoned the petitioner;

(iii) is mentally incompetent;

(iv) is an individual whose whereabouts is unknown; or

(v) is a noncustodial parent who is delinquent in the payment of court ordered child support on the date the petition is filed;

(3) a hearing is held on the petition in which the petitioners and interested persons, including parents, guardians, and custodians, are given an opportunity to appear and present evidence; and

(4) the allegations of the petition filed under subdivision (1) have been proven.

(c) A court's authorization granted under subsection (a):

(1) constitutes part of the confidential files of the clerk of the circuit court; and

(2) may be inspected only by written permission of a circuit, superior, or juvenile court.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-4****Chapter 4. Marriage Licenses and Certificates****IC 31-11-4-11**

Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

(1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; or

(2) is under the influence of an alcoholic beverage or a narcotic drug.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-8****Chapter 8. Void Marriages****IC 31-11-8-4**

Sec. 4. A marriage is void if either party to the marriage was mentally incompetent when the marriage was solemnized.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-9****Chapter 9. Voidable Marriages****IC 31-11-9-2**

Sec. 2. A marriage is voidable if a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

*As added by P.L.1-1997, SEC.3.*

**IC 31-11-10****Chapter 10. Actions to Annul Voidable Marriages****IC 31-11-10-1**

Sec. 1. (a) This section applies to a marriage that is voidable under IC 31-11-9-2 on the ground that a party to the marriage was incapable because of age or mental incompetency of contracting the marriage.

(b) The incapable party described in subsection (a) may file an action to annul the marriage in a court that has jurisdiction over the action under section 3 of this chapter.

*As added by P.L.1-1997, SEC.3.*

**IC 31-12****ARTICLE 12. FAMILY LAW: DOMESTIC****RELATIONS COURTS****IC 31-12-3****Chapter 3. Family Relations Division of Court****IC 31-12-3-1**

Sec. 1. Any court that exercises jurisdiction over domestic relations cases may establish a family relations division of the court.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-3-2**

Sec. 2. The family relations division may be administered by:

(1) the community mental health center;

(2) a managed care provider (as defined in IC 12-7-2-127(b)); or

(3) any other person approved by the court.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-3-3**

Sec. 3. The family relations division shall offer counseling and related services to persons before the court.

Conciliation procedures are governed by IC 31-15-9.  
*As added by P.L.1-1997, SEC.4.*

#### **IC 31-14**

### **ARTICLE 14. FAMILY LAW: ESTABLISHMENT OF**

#### **PATERNITY**

#### **IC 31-14-5**

##### **Chapter 5. Filing of Paternity Action; Limitations**

#### **IC 31-14-5-2**

Sec. 2. (a) A person less than eighteen (18) years of age may file a petition if the person is competent except for the person's age. A person who is otherwise incompetent may file a petition through the person's guardian, guardian ad litem, or next friend.

(b) Except as provided in subsection (c), a child may file a paternity petition at any time before the child reaches twenty (20) years of age.

(c) If a child is incompetent on the child's eighteenth birthday, the child may file a petition not later than two (2) years after the child becomes competent.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-14-5-3**

Sec. 3. (a) This section does not apply to an action filed by the division of family and children or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the division of family and children or its agents must file a paternity action not later than two (2) years after the child is born, unless:

(1) both the mother and the alleged father waive the limitation on actions and file jointly;

(2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

(A) the mother;

(B) a person acting on the mother's behalf; or

(C) a person acting on the child's behalf;

(3) the mother, the division of family and children, or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

*As added by P.L.1-1997, SEC.6.*

#### **IC 31-15**

### **ARTICLE 15. FAMILY LAW: DISSOLUTION OF MARRIAGE AND LEGAL SEPARATION**

#### **IC 31-15-1**

##### **Chapter 1. General Provisions**

#### **IC 31-15-1-1**

Sec. 1. This article shall be construed and applied to promote the purposes and policies of this article.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-1-2**

Sec. 2. The purposes and policies of this article are as follows:

(1) To abolish the existing grounds for absolute and limited divorce and to provide as the basis for dissolution of marriage:

(A) irretrievable breakdown of the marriage;

(B) the conviction of either party, subsequent to the marriage, of a felony;

(C) impotence existing at the time of the marriage; and

(D) incurable insanity of either party for a period of at least two (2) years.

- (2) To provide for the appropriate procedures for the dissolution of marriage.
- (3) To provide for the disposition of property, child support, and child custody.
- (4) To provide for separation agreements.
- (5) To provide for a temporary legal separation.

*As added by P.L.1-1997, SEC.7.*

## **IC 31-15-2**

### **Chapter 2. Actions for Dissolution of Marriage**

#### **IC 31-15-2-1**

Sec. 1. Proceedings under this article must comply with the Indiana Rules of Civil Procedure.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-2-2**

Sec. 2. A cause of action for dissolution of marriage is established.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-2-3**

Sec. 3. Dissolution of marriage shall be decreed upon a finding by a court of one (1) of the following grounds and no other ground:

- (1) Irretrievable breakdown of the marriage.
- (2) The conviction of either of the parties, subsequent to the marriage, of a felony.
- (3) Impotence, existing at the time of the marriage.
- (4) Incurable insanity of either party for a period of at least two (2) years.

*As added by P.L.1-1997, SEC.7.*

## **IC 31-32**

### **ARTICLE 32. JUVENILE LAW: JUVENILE COURT PROCEDURES**

#### **IC 31-32-11**

##### **Chapter 11. Evidence**

#### **IC 31-32-11-1**

Sec. 1. The privileged communication between:

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a:
  - (A) certified social worker;
  - (B) certified clinical social worker; or
  - (C) certified marriage and family therapist;and a client of any of the professionals described in clauses (A) through (C);
- (4) a school counselor and a student; or
- (5) a school psychologist and a student;

is not a ground for excluding evidence in any judicial proceeding resulting from a report of a child who may be a victim of child abuse or neglect or relating to the subject matter of the report or failing to report as required by IC 31-33.

*As added by P.L.1-1997, SEC.15.*

## **IC 31-33**

### **ARTICLE 33. JUVENILE LAW: REPORTING AND INVESTIGATION OF CHILD ABUSE AND NEGLECT**

#### **IC 31-33-5**

##### **Chapter 5. Duty to Report Child Abuse or Neglect**

#### **IC 31-33-5-1**

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to

believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-5-2**

Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall report or cause a report to be made.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-5-3**

Sec. 3. This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-5-4**

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

- (1) the local child protection service; or
- (2) the local law enforcement agency.

*As added by P.L.1-1997, SEC.16.*

### **IC 31-33-6**

#### **Chapter 6. Immunity of Persons Who Report Child Abuse or Neglect**

#### **IC 31-33-6-1**

Sec. 1. Except as provided in section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

- (1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;
- (2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a physical medical examination to be made under IC 31-33-10;
- (3) makes any other report of a child who may be a victim of child abuse and neglect; or
- (4) participates in any judicial proceeding or other proceeding:
  - (A) resulting from a report that a child may be a victim of child abuse or neglect; or
  - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-6-2**

Sec. 2. Immunity does not attach for a person who has acted maliciously or in bad faith.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-6-3**

Sec. 3. A person making a report that a child may be a victim of child abuse or neglect or assisting in any requirement of this article is presumed to have acted in good faith.

*As added by P.L.1-1997, SEC.16.*

### **IC 31-33-7**

#### **Chapter 7. Receipt of Reports of Suspected Child Abuse or Neglect**

#### **IC 31-33-7-1**

Sec. 1. The local child protection service shall arrange for receipt, on a twenty-four (24) hour, seven (7) day per week basis, of all reports under this article of suspected child abuse or neglect.

*As added by P.L.1-1997, SEC.16.*

#### **IC 31-33-7-2**

Sec. 2. To carry out section 1 of this chapter, a local child protection service must use a phone access system for receiving calls that is standardized among all counties. The division of family and children shall adopt rules under IC 4-22-2 for the administration of this section.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-3**

Sec. 3. Each local child protection service shall cause to be inserted in each local telephone directory in the county a listing of the child abuse hotline's telephone number under the name "child abuse hotline". The child abuse hotline number under this section must be included with the other emergency numbers listed in the directory.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-4**

Sec. 4. (a) The local child protection service shall make a written report of a child who may be a victim of child abuse or neglect not later than forty-eight (48) hours after receipt of the oral report required of individuals by IC 31-33-5-4.

(b) Written reports under this section must be made on forms supplied by the administrator. The written reports must include, if known, the following information:

(1) The names and addresses of the following:

(A) The child.

(B) The child's parents, guardian, custodian, or other person responsible for the child's care.

(2) The child's age and sex.

(3) The nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior:

(A) injuries of the child; or

(B) abuse or neglect of the child or the child's siblings.

(4) The name of the person allegedly responsible for causing the injury, abuse, or neglect.

(5) The source of the report.

(6) The person making the report and where the person can be reached.

(7) The actions taken by the reporting source, including the following:

(A) Taking of photographs and x-rays.

(B) Removal or keeping of the child.

(C) Notifying the coroner.

(8) The written documentation required by IC 31-34-2-3 if a child was taken into custody without a court order.

(9) Any other information that:

(A) the director requires by rule; or

(B) the person making the report believes might be helpful.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-5**

Sec. 5. A copy of the written report of the local child protection service shall immediately be made available to:

(1) the appropriate law enforcement agency;

(2) the prosecuting attorney; and

(3) in a case involving death, the coroner for the coroner's consideration.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-6**

Sec. 6. Upon receiving a written report under section 5(3) of this chapter, the coroner shall:

(1) accept a report for investigation; and

(2) report the coroner's findings to:

(A) the appropriate law enforcement agency;

(B) the prosecuting attorney;

(C) the local child protection service; and

(D) the hospital if the institution making the report is a hospital.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-6.5**

Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:

(1) an investigation of a report of a child who may be a victim of child abuse or neglect by the child protection service; or

(2) a court proceeding.

*As added by P.L.2-1998, SEC.78.*

**IC 31-33-7-7**

Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

- (1) immediately communicate the report to the local child protection service, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and
  - (2) conduct an immediate, onsite investigation of the report along with the local child protection service whenever the law enforcement agency has reason to believe that an offense has been committed.
- (b) In all cases, the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:
- (1) the local child protection agency; and
  - (2) the juvenile court under IC 31-34-7.

*As added by P.L.1-1997, SEC.16.*

**IC 31-33-7-8**

Sec. 8. (a) This section applies if the local child protection service receives a report of suspected child abuse or neglect from:

- (1) a hospital;
- (2) a community mental health center;
- (3) a managed care provider (as defined in IC 12-7-2-127(b));
- (4) a referring physician;
- (5) a dentist;
- (6) a licensed psychologist; or
- (7) a school.

(b) Not later than thirty (30) days after the date a local child protection service receives a report of suspected child abuse or neglect from a person described in subsection (a), the child protection service shall send a report to:

- (1) the administrator of the hospital;
- (2) the community mental health center;
- (3) the managed care provider;
- (4) the referring physician;
- (5) the dentist; or
- (6) the principal of the school.

The report must contain the items listed in subsection (e) that are known at the time the report is sent.

(c) Not later than ninety (90) days after the date a local child protection service receives a report of suspected child abuse or neglect, the local child protection service shall send a report that contains any additional items listed in subsection (e) that were not covered in the prior report if available.

(d) The administrator, director, referring physician, dentist, licensed psychologist, or principal may appoint a designee to receive the report.

(e) A report made by the local child protection service under this section must contain the following information:

- (1) The name of the alleged victim of child abuse or neglect.
- (2) The name of the alleged perpetrator and the alleged perpetrator's relationship to the alleged victim.
- (3) Whether the case is closed.
- (4) Whether information concerning the case has been expunged.
- (5) The name of any agency to which the alleged victim has been referred.
- (6) Whether the local child protection service has made an investigation of the case and has not taken any further action.
- (7) Whether a substantiated case of child abuse or neglect was informally adjusted.
- (8) Whether the alleged victim was referred to the juvenile court as a child in need of services.
- (9) Whether the alleged victim was returned to the victim's home.
- (10) Whether the alleged victim was placed in residential care outside the victim's home.
- (11) Whether a wardship was established for the alleged victim.
- (12) Whether criminal action is pending or has been brought against the alleged perpetrator.
- (13) A brief description of any casework plan that has been developed by the child protection service.



- (14) The caseworker's name and telephone number.
  - (15) The date the report is prepared.
  - (16) Other information that the division of family and children may prescribe.
  - (f) A report made under this section:
    - (1) is confidential; and
    - (2) may be made available only to:
      - (A) the agencies named in this section; and
      - (B) the persons and agencies listed in IC 31-33-18-2.
- As added by P.L.1-1997, SEC.16.*

## **IC 31-34**

### **ARTICLE 34. JUVENILE LAW: CHILDREN IN NEED OF SERVICES**

#### **IC 31-34-1**

##### **Chapter 1. Circumstances Under Which a Child Is a Child in Need of Services**

#### **IC 31-34-1-1**

Sec. 1. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and
- (2) the child needs care, treatment, or rehabilitation that the child:
  - (A) is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

#### **IC 31-34-1-2**

Sec. 2. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and
- (2) the child needs care, treatment, or rehabilitation that the child:
  - (A) is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

#### **IC 31-34-1-3**

Sec. 3. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child is the victim of a sex offense under:
  - (A) IC 35-42-4-1;
  - (B) IC 35-42-4-2;
  - (C) IC 35-42-4-3;
  - (D) IC 35-42-4-4;
  - (E) IC 35-42-4-7;
  - (F) IC 35-42-4-9;
  - (G) IC 35-45-4-1;
  - (H) IC 35-45-4-2; or
  - (I) IC 35-46-1-3; and
- (2) the child needs care, treatment, or rehabilitation that the child:
  - (A) is not receiving; and
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

#### **IC 31-34-1-4**

Sec. 4. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's parent, guardian, or custodian allows the child to participate in an obscene performance (as defined by IC 35-49-2-2 or IC 35-49-3-2); and
- (2) the child needs care, treatment, or rehabilitation that the child:
  - (A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-5**

Sec. 5. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child's parent, guardian, or custodian allows the child to commit a sex offense prohibited by IC 35-45-4; and

(2) the child needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-6**

Sec. 6. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child substantially endangers the child's own health or the health of another individual; and

(2) the child needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-7**

Sec. 7. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child's parent, guardian, or custodian fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by IC 20-8.1-5.1-19, if the behavior of the student has been repeatedly disruptive in the school; and

(2) the child needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-8**

IC 31-34-1-8 Sec. 8. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child is a missing child (as defined in IC 10-1-7-2); and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-9**

Sec. 9. A child in need of services under section 1, 2, 3, 4, 5, 6, 7, or 8 of this chapter includes a child with a disability who:

(1) is deprived of nutrition that is necessary to sustain life; or

(2) is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition;

if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-10**

Sec. 10. Except as provided in sections 12 and 13 of this chapter, a child is a child in need of services if:

(1) the child is born with:

(A) fetal alcohol syndrome; or

(B) any amount, including a trace amount, of a controlled substance or a legend drug in the child's body; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; or

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-11**

Sec. 11. Except as provided in sections 12 and 13 of this chapter, a child is a child in need of services if:

(1) the child:

- (A) has an injury;
  - (B) has abnormal physical or psychological development; or
  - (C) is at a substantial risk of a life threatening condition; that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy; and
- (2) the child needs care, treatment, or rehabilitation that the child:
- (A) is not receiving; or
  - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-12**

Sec. 12. A child is not a child in need of services under section 10 or 11 of this chapter if:

- (1) a drug detected in the body of the child under section 10(1) of this chapter or the condition described in section 11(1) of this chapter was caused by a legend drug; and
- (2) during pregnancy the child's mother:
  - (A) possessed a valid prescription for the legend drug;
  - (B) was not in violation of IC 16-42-19 (the Indiana legend drug act); and
  - (C) made a good faith attempt to use the legend drug according to the prescription instructions.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-13**

Sec. 13. A child is not a child in need of services under section 10 or 11 of this chapter if:

- (1) a drug detected in the body of the child under section 10(1) of this chapter or the condition described in section 11(1) of this chapter was caused by a controlled substance; and
- (2) during pregnancy the child's mother:
  - (A) possessed a valid prescription for the controlled substance; and
  - (B) made a good faith attempt to use the controlled substance according to the prescription instructions.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-14**

Sec. 14. If a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of the religious beliefs of the parent, guardian, or custodian, a rebuttable presumption arises that the child is not a child in need of services because of the failure. However, this presumption does not do any of the following:

- (1) Prevent a juvenile court from ordering, when the health of a child requires, medical services from a physician licensed to practice medicine in Indiana.
- (2) Apply to situations in which the life or health of a child is in serious danger.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-15**

Sec. 15. This chapter does not do any of the following:

- (1) Limit the right of a parent, guardian, or custodian of a child to use reasonable corporal punishment when disciplining the child.
- (2) Limit the lawful practice or teaching of religious beliefs.

*As added by P.L.1-1997, SEC.17.*

**IC 31-34-1-16**

Sec. 16. (a) The division of family and children may not:

- (1) initiate a court proceeding to:
  - (A) terminate the parental rights concerning; or
  - (B) transfer legal custody of; or
- (2) require a parent, guardian, or custodian to consent to:
  - (A) the termination of parental rights; or
  - (B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who is voluntarily placed out of the home for the purpose of obtaining special treatment or care, solely because the parent, guardian, or custodian is unable to provide the treatment or care. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the division of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the division of family and children and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

- (1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the division of family and children.
- (2) A statement specifying the legal status of the child.
- (3) A statement specifying the rights and obligations of the parent, guardian, or custodian.

*As added by P.L.282-2001, SEC.3.*

## **IC 31-34-19**

### **Chapter 19. Dispositional Hearing**

#### **IC 31-34-19-3**

Sec. 3. If it appears to the juvenile court that a child is mentally ill, the court may:

- (1) refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26; or
- (2) initiate a civil commitment proceeding under IC 12-26.

*As added by P.L.1-1997, SEC.17.*

#### **IC 31-34-19-4**

Sec. 4. If:

- (1) a child is referred to a probate court;
- (2) the juvenile court initiates a commitment proceeding; or
- (3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office of family and children, the juvenile court may not release the county office from the obligations of the county office to the child pending the outcome of the proceeding under IC 12-26.

*As added by P.L.1-1997, SEC.17.*

#### **IC 31-34-19-5**

Sec. 5. If the court authorizes a child who is under the custody or supervision of a county office of family and children to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the county office from obligations of the county office to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

*As added by P.L.1-1997, SEC.17.*

## **IC 31-34-24**

### **Chapter 24. Plan Coordination**

#### **IC 31-34-24-1**

Sec. 1. As used in this chapter, "plan" means a community services plan for early intervention services to achieve the purposes described in section 3 of this chapter.

*As added by P.L.55-1997, SEC.24.*

#### **IC 31-34-24-2**

Sec. 2. As used in this chapter, "team" means:

- (1) an early intervention plan team appointed as provided in section 4 of this chapter; or
- (2) an existing organization described in section 5 of this chapter.

*As added by P.L.55-1997, SEC.24.*

#### **IC 31-34-24-3**

Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

- (1) have been either:
  - (A) adjudicated as, or alleged in a proceeding initiated under this article to be, children in need of services;
  - or
  - (B) identified by the county office, based on information received from:
    - (i) a school;

(ii) a social service agency;  
(iii) a court;  
(iv) a probation department;  
(v) the child's parent or guardian; or  
(vi) an interested person in the community having knowledge of the child's environment and family circumstances;  
and, after an informal investigation, as substantially at risk of becoming children in need of services; and  
(2) have been referred to the county office by, or with the consent of, the child's parent, guardian, or custodian, for services to be provided through the plan based on an individual case plan for the child.  
*As added by P.L.55-1997, SEC.24.*

**IC 31-34-24-4**

Sec. 4. (a) Before March 1, 1998, each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

(1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the child welfare staff of the county office.

(B) One (1) is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

(5) One (1) member appointed by the county fiscal body.

(6) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.

(7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

*As added by P.L.55-1997, SEC.24.*

**IC 31-34-24-5a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 5. If, on January 1, 1998, a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the county fiscal body may elect to designate that existing organization as the county's team for purposes of this chapter.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-5b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 5. If a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the county director may elect to designate that existing organization as the county's team for purposes of this chapter.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.98.*

*Note: See also preceding version of this section, effective until*

1-1-2000.

**IC 31-34-24-6a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 6. (a) The director of the county office shall convene an organizational meeting of the members of the team appointed under section 4(b)(1), 4(b)(2), 4(b)(3), 4(b)(4), 4(b)(5), and 4(b)(6) of this chapter.

(b) At the team's:

(1) organizational meeting; and

(2) first meeting in each calendar year thereafter;

the team shall select one (1) of its members as chairperson and one (1) of its members as vice chairperson.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-6b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 6. (a) The county director shall convene an organizational meeting of the members of the team appointed under section 4 of this chapter.

(b) The county director shall serve as the chairperson of the team. The team shall select one (1) of its members as vice chairperson.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.99.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-7a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 7. Within six (6) months after the date of the team's organizational meeting, the team shall prepare and submit to the county fiscal body the team's initial plan. The team shall transmit a copy of the initial plan to:

(1) the director; and

(2) the state superintendent of public instruction.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-7b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 7. Before January 1 of each year, the team shall prepare and submit to the judges having juvenile jurisdiction in the county the team's plan for review and comment. The judge shall submit any comments to the chairperson not more than fifteen (15) calendar days after receiving the plan. The team shall before January 25 of each year transmit a copy of the plan, including any comments from the judges, to:

(1) the director; and

(2) the state superintendent of public instruction.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.100.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-8a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

(1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).

(2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).

(3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).

(5) Community corrections programs under IC 11-12.

(6) Special education programs under IC 20-1-6-19.

(7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the division of family and children,

county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-5, IC 12-19-7, and IC 31-40.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-8b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).
- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-1-6-19.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the division of family and children, county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-7 and IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) Child advocacy fund under IC 12-17-17.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.101.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-9**

Sec. 9. The objectives of the plan include the following:

- (1) Promoting the welfare of children and self sufficiency of families with children at risk of abuse or neglect, dependency, or delinquency, as defined or described in this chapter.
- (2) Preventing or reducing the number of cases of child abuse, delinquency, or neglect that may require juvenile court intervention.
- (3) Coordinating available resources to promote efficiency and avoid duplication of programs and services.
- (4) Reducing or minimizing the cost of providing services to children and families with children who are or may become children in need of services.
- (5) Reducing or eliminating to the extent possible the need to remove children from their parents, guardians, or custodians for foster home care or institutional placement.

*As added by P.L.55-1997, SEC.24.*

**IC 31-34-24-10a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 10. The team may adopt as its initial plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:
  - (A) dependency, abuse, or neglect;
  - (B) emotional disturbance; or
  - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-10b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 10. The team may adopt as its plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:
  - (A) dependency, abuse, or neglect;
  - (B) emotional disturbance; or
  - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.102.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-11a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 11. The director or the state superintendent of public instruction may, not later than thirty (30) days after receiving the initial plan, transmit to the team and the county fiscal body any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-11b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 11. The director or the state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the county fiscal body any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.103.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-12a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 12. Not later than sixty (60) days after receiving the initial plan and each annual, revised, or updated plan, the county fiscal body shall do one (1) of the following:

- (1) Approve the plan as submitted by the team.
- (2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.
- (3) Return the plan to the team with directions concerning:
  - (A) subjects for further study and reconsideration; and
  - (B) resubmission of a revised plan.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-12b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 12. Not later than sixty (60) days after receiving the plan, the county fiscal body shall do one (1) of the following:

- (1) Approve the plan as submitted by the team.
- (2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.
- (3) Return the plan to the team with directions concerning:
  - (A) subjects for further study and reconsideration; and
  - (B) resubmission of a revised plan.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.104.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-13**

Sec. 13. (a) Upon receiving the initial plan and each revised or updated plan, the county fiscal body shall consider the plan in developing the family and children's fund budget.

(b) The county fiscal body may appropriate from the family and children's fund any amounts necessary to



provide funding to implement the plan.

*As added by P.L.55-1997, SEC.24.*

**IC 31-34-24-14a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Reorganize as needed and select its officers for the ensuing year.
- (2) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.
- (3) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.
- (b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-14b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Develop, review, or revise a strategy that identifies:
  - (A) the manner in which prevention and early intervention services will be provided or improved;
  - (B) how local collaboration will improve children's services; and
  - (C) how different funds can be used to serve children and families more effectively.
- (2) Reorganize as needed and select its vice chairperson for the ensuing year.
- (3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.
- (4) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.
- (b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.105.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

**IC 31-34-24-15a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 15. The team or the county fiscal body shall transmit copies of the initial plan, each annual report, and each revised plan to the following:

- (1) The director.
- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
  - (A) provides services to families and children in the county that requests information about the plan; or
  - (B) the team has identified as a provider of services relevant to the plan.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

**IC 31-34-24-15b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 15. The team or the county fiscal body shall transmit copies of the plan, each annual report, and each revised plan to the following:

- (1) The director.

- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
  - (A) provides services to families and children in the county that requests information about the plan; or
  - (B) the team has identified as a provider of services relevant to the plan.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.106.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

#### **IC 31-34-24-16**

Sec. 16. The team or the county fiscal body shall publicize to residents of the county the existence and availability of the plan.

*As added by P.L.55-1997, SEC.24.*

#### **IC 31-34-24-17a**

*Note: This version of section effective until 1-1-2000. See also following version of this section, effective 1-1-2000.*

Sec. 17. Two (2) or more contiguous counties may, by agreement of the counties' fiscal bodies, establish a joint team and adopt a single multicounty plan for the purposes described in this chapter.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following version of this section, effective 1-1-2000.*

#### **IC 31-34-24-17b**

*Note: This version of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

Sec. 17. Two (2) or more contiguous counties may, by agreement of the counties' county directors, establish a joint team and adopt a single multicounty plan for the purposes described in this chapter.

*As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.107.*

*Note: See also preceding version of this section, effective until 1-1-2000.*

#### **IC 31-34-24-18**

Sec. 18. The:

- (1) juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8; and
- (2) local child protection service, in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13;

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

*As added by P.L.55-1997, SEC.24.*

#### **IC 31-34-24-19a**

*Note: This version of section effective until 1-1-2000. See also following repeal of this section, effective 1-1-2000.*

Sec. 19. This chapter expires December 31, 1999.

*As added by P.L.55-1997, SEC.24.*

*Note: See also following repeal of this section, effective 1-1-2000.*

#### **IC 31-34-24-19b**

*(Repealed by P.L.273-1999, SEC.124.)*

*Note: This repeal of section effective 1-1-2000. See also preceding version of this section, effective until 1-1-2000.*

### **IC 31-35**

## **ARTICLE 35. JUVENILE LAW: TERMINATION OF PARENT-CHILD RELATIONSHIP**

### **IC 31-35-5**

#### **Chapter 5. Child Testimony by Closed Circuit Television**

#### **IC 31-35-5-1**

Sec. 1. This chapter applies to an action to determine whether to terminate a parent-child relationship under:

- (1) IC 31-35-2; or

(2) IC 31-35-3.

*As added by P.L.1-1997, SEC.18.*

**IC 31-35-5-2**

Sec. 2. On the motion of the prosecuting attorney or the attorney for the county office of family and children, the court may order that:

- (1) the testimony of a child be taken in a room other than the courtroom and be transmitted to the courtroom by closed circuit television; and
- (2) the questioning of the child by the parties be transmitted to the child by closed circuit television.

*As added by P.L.1-1997, SEC.18.*

**IC 31-35-5-3**

Sec. 3. On the motion of the prosecuting attorney or the attorney for the county office of family and children, the court may order that the testimony of a child be videotaped for use at proceedings to determine whether the parent-child relationship should be terminated.

*As added by P.L.1-1997, SEC.18.*

**IC 31-35-5-4**

Sec. 4. The court may not make an order under section 2 or 3 of this chapter unless:

(1) the testimony to be taken is the testimony of a child who at the time of the trial is:

- (A) less than fourteen (14) years of age; or
  - (B) at least fourteen (14) years of age but less than eighteen (18) years of age and has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
    - (i) is likely to continue indefinitely;
    - (ii) constitutes a substantial impairment of the child's ability to function normally in society; and
    - (iii) reflects the child's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
  - (C) found by the court to be a child who should be permitted to testify outside the courtroom because:
    - (i) a psychiatrist, physician, or psychologist has certified that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;
    - (ii) a physician has certified that the child cannot be present in the courtroom for medical reasons; or
    - (iii) evidence has been introduced concerning the effect of the child's testifying in the courtroom and the court finds that it is more likely than not that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;
- (2) the prosecuting attorney or the attorney for the county office of family and children has informed the parties and their attorneys by written notice of the intention to have the child testify outside the courtroom; and
- (3) the prosecuting attorney or the attorney for the county office of family and children informed the parties and their attorneys under subdivision (2) at least twenty (20) days before the proceedings to give the parties and their attorneys a fair opportunity to prepare a response before the proceedings to the motion of the prosecuting attorney or the motion of the attorney for the county office of family and children to permit the child to testify outside the courtroom.

*As added by P.L.1-1997, SEC.18.*

**IC 31-37**

**ARTICLE 37. JUVENILE LAW: DELINQUENCY**

**IC 31-37-18**

**Chapter 18. Dispositional Hearing**

**IC 31-37-18-3**

Sec. 3. If it appears to the juvenile court that a child is mentally ill, the court may:

- (1) refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26; or
- (2) initiate a civil commitment proceeding under IC 12-26.

*As added by P.L.1-1997, SEC.20.*

**IC 31-38**

## **ARTICLE 38. JUVENILE LAW: LOCAL COORDINATING COMMITTEES**

### **IC 31-38-1**

#### **Chapter 1. Establishment of Local Coordinating Committees**

##### **IC 31-38-1-1**

Sec. 1. A local coordinating committee is established in each county.

*As added by P.L.1-1997, SEC.21.*

##### **IC 31-38-1-2**

Sec. 2. Each committee has the following members:

- (1) The director of the county office of family and children or the director's designee.
- (2) The director of the community mental health center or a managed care provider (as defined in IC 12-7-2-127(b)) serving the child's area of residence or the director's designee.
- (3) The superintendent of the school corporation in which the child is legally settled or the superintendent's designee.
- (4) The child's parent or guardian, who is a nonvoting member.
- (5) If a guardian ad litem has been appointed, the child's guardian ad litem, who is a nonvoting member.
- (6) If a special advocate has been appointed, the child's court appointed special advocate, who is a nonvoting member.
- (7) If requested by the chairman, a representative of the local health department, who is a nonvoting member.
- (8) If requested by the chairman, a representative of any other agency or community organization, who is a nonvoting member.

*As added by P.L.1-1997, SEC.21.*

##### **IC 31-38-1-3**

Sec. 3. (a) A majority of the voting members of a committee constitutes a quorum.

(b) The committee may act only by an affirmative vote of a majority of the voting members present at the meeting. However, if a quorum of the committee cannot obtain a majority vote for any of the proposals or recommendations under consideration at a meeting, the committee shall report all of the proposals or recommendations to the referring agency.

*As added by P.L.1-1997, SEC.21.*

##### **IC 31-38-1-4**

Sec. 4. If a member of the committee appoints a designee, the appointing member shall grant to the designee the same authority to commit agency resources as the appointing member possesses for the purposes of participating on the committee.

*As added by P.L.1-1997, SEC.21.*

### **IC 31-38-2**

#### **Chapter 2. Review of Proposed Restrictive Placements of Children by Local Coordinating Committees**

##### **IC 31-38-2-1**

Sec. 1. The local coordinating committee shall review a restrictive placement of a child whenever the referring agency that proposes the restrictive placement convenes a meeting under section 2 of this chapter.

*As added by P.L.1-1997, SEC.21.*

##### **IC 31-38-2-2**

Sec. 2. If the referring agency is not a court, the referring agency may convene a meeting of the committee to review the restrictive placement proposed by the referring agency. However, if the referring agency is a court, the county office of family and children shall convene the meeting.

*As added by P.L.1-1997, SEC.21.*

##### **IC 31-38-2-3**

Sec. 3. A person representing the referring agency shall act as the chairman of the committee meeting convened under section 2 of this chapter unless the members of the committee agree on another method of selecting a chairman. However, unless otherwise agreed to by the members of the committee, if the committee reviews a restrictive placement recommended by a court, the director of the county office of

family and children or the director's designee shall act as chairman of the committee meeting.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-4**

Sec. 4. If the referring agency is a court, a probation officer familiar with the proposed restrictive placement must be present at the committee meeting convened under section 2 of this chapter when the restrictive placement proposed by the court is being considered.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-5**

Sec. 5. (a) Unless prohibited by federal law, information concerning a child that is confidential to a referring agency may be disclosed to another referring agency. However, the receiving agency shall treat the information as confidential.

(b) During any time that confidential information is being disclosed or discussed, the chairman of the committee shall exclude from the committee meeting any committee members or other persons who are not authorized to receive confidential information under subsection (a).

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-6**

Sec. 6. Committee meetings convened under section 2 of this chapter are not subject to IC 5-14-1.5 and IC 5-14-3.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-7**

Sec. 7. A local coordinating committee shall do the following whenever the committee convenes a meeting under section 2 of this chapter:

- (1) Except as provided in section 9 of this chapter, review each restrictive placement proposed by a referring agency.
- (2) Consider alternative placements or treatment plans and make recommendations to the referring agency.
- (3) Develop and recommend a long range treatment plan for the child, including a treatment plan following the child's discharge from a restrictive placement.
- (4) Exchange information concerning services for children available in the county with:
  - (A) members of the committee;
  - (B) referring agencies; and
  - (C) other community organizations.

However, confidential information concerning a child may not be disclosed except as provided in section 5(a) of this chapter.

- (5) Study the need for and availability of services for children in the county and make recommendations to the division of family and children.
- (6) Provide information concerning the committee's actions and placement recommendations to the division of family and children in the form and to the extent requested by the division of family and children.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-8**

Sec. 8. Except as provided in section 9 of this chapter, whenever the local coordinating committee convenes a meeting under section 2 of this chapter, the committee shall review the restrictive placement proposed by a referring agency and make recommendations concerning less restrictive alternatives, if appropriate, to the referring agency before:

- (1) the placement may be made; or
- (2) the referring agency may submit its recommendation to the person authorized to make the placement.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-9**

Sec. 9. (a) A local coordinating committee is not required to review the following restrictive placements:

- (1) Predispositional detention not to exceed sixty (60) days of a child charged with a delinquent act as described in IC 31-37-1 or IC 31-37-2.
- (2) Placement of a child in an inpatient psychiatric facility not to exceed thirty (30) days.
- (3) Emergency placement of a child in a shelter care facility not to exceed sixty (60) days.
- (4) Hospitalization of a child for purposes other than psychiatric care.

(b) After the expiration of the time limit set forth in subsection (a)(1), (a)(2), or (a)(3), a restrictive placement described in subsection (a)(1), (a)(2), or (a)(3) is subject to the same requirements as any other restrictive placement.

(c) If:

- (1) the referring agency has made a reasonable attempt to obtain a committee recommendation concerning the placement of a child placed under subsection (a)(1) through (a)(3); and
- (2) the recommendation has not been received by the referring agency within ten (10) days of the expiration of the placement;

a court with juvenile court jurisdiction may, upon petition of the referring agency, or sua sponte if the court is the referring agency, order the members of the committee to make a recommendation.

*As added by P.L.1-1997, SEC.21.*

**IC 31-38-2-10**

Sec. 10. The division of family and children shall:

(1) provide information to:

- (A) each referring agency;
- (B) the division of mental health; and
- (C) the department of education;

concerning their duties and responsibilities under this chapter;

(2) organize local, regional, or statewide meetings necessary to prepare referring and member agencies for participation on a local coordinating committee;

(3) develop guidelines for local coordinating committees concerning the form and content of reports submitted to the division of family and children under this chapter;

(4) monitor and evaluate the performance of local coordinating committees; and

(5) make recommendations to the general assembly concerning the need for and availability of services for children in Indiana.

*As added by P.L.1-1997, SEC.21.*